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Human resources management

Implementation of continuing appointments

Report of the Secretary-General

Summary

The present report presents additional information concerning the implementation of continuing appointments as requested in section II, paragraphs 3 and 4, of General Assembly resolution 63/250.

In order to facilitate the review of this issue by the General Assembly during the main part of its sixty-fourth session and with a view to implementing the continuing appointments by 1 January 2010, the Secretary-General has included information on the following issues: procedures for the granting and termination of continuing appointments, including eligibility criteria and the role of the performance appraisal system; financial and management implications of granting continuing appointments, including the possible establishment of a ceiling; and implications of the implementation of continuing appointments for the system of geographical ranges, for Junior Professional Officers and for successful candidates from competitive examinations.

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I. Introduction

1. In section II, paragraphs 2 and 3 of its resolution 63/250, the General Assembly approved the new contractual arrangements comprising three types of appointments (temporary, fixed-term and continuing) under one set of Staff Rules, effective 1 July 2009. The Assembly requested the Secretary-General not to grant any continuing appointment pending its further consideration of this issue at the main part of its sixty-fourth session.

2. Accordingly, and as requested in section II, paragraph 4 of resolution 63/250, the present report provides additional information on the following issues:

(a) Rigorous and transparent procedures for granting continuing appointments to staff, including the criteria for eligibility, the relationship with disciplinary measures and the central management of conversions;

(b) The role of, and options for, strengthening the performance appraisal system to ensure that staff members considered for conversion to continuing appointments have demonstrated the highest standards of efficiency, competence and integrity, taking into account any deliberations of the International Civil Service Commission on this issue;

(c) The financial and management implications of converting fixed-term to continuing appointments, and the possible establishment of a ceiling on the number of conversions;

(d) Analysis of the implications of the proposed continuing appointments for the system of geographical ranges;

(e) Rigorous and transparent procedures to review the performance of staff and the continuing need for functions when determining the granting and termination of appointment of a staff member, as well as clear and firm lines of accountability, to fully ensure that granting and termination of continuing contracts is undertaken in a fair and transparent manner, with full regard to the due process and the rights of staff;

(f) Options for ensuring that successful candidates from national competitive examinations and language staff are not disadvantaged by proposed changes;

(g) Analysis of the implications for Junior Professional Officers;

(h) The potential ramifications of the proposed amendment to staff regulation 9.1.

II. Background

3. The present report summarizes the Secretary-General's proposals concerning the implementation of continuing appointments taking into account the contractual framework of the United Nations common system adopted by ICSC as well as its subsequent report on the Secretary-General's proposals for the streamlining of

United Nations contractual arrangements.[1] Prior recommendations from the Advisory Committee on Administrative and Budgetary Questions on this issue[2] have also been taken into account. Under the ICSC framework, the continuing appointment is intended for career staff who provide programme continuity in core functions of the Organization. The Organization must have a continuing need for the core functions in accordance with its mandate before granting a continuing appointment that by its very nature is open-ended.

4. Formal consultations between the staff and the management of the United Nations on the Secretary-General's proposals were held during the last four sessions of the Staff-Management Coordination Committee. In June 2009, the Committee reaffirmed its support for the Secretary-General's proposals concerning the implementation of continuing appointments, which are detailed in section III below.

5. The separately administered funds and programmes would continue to have flexibility in the implementation of the new continuing appointment in respect of their own staff, taking into account their respective operational needs, as long as their use of the continuing appointment is in accordance with the Staff Regulations and Rules of the United Nations.

III. Implementation of continuing appointments as of 1 January 2010

A. Granting of continuing appointments

6. The Secretary-General proposes that a continuing appointment may be granted to a staff member who has a minimum of five years of continuous service with the Organization, provided that there is a continued need for his or her services in the Organization, that he or she meets the highest standards of efficiency and competence corresponding to a performance rating of 3 or above in the four most recent performance appraisal reports, and that he or she has not been subject to any disciplinary measure during the five years prior to the time of review.

B. Criteria for eligibility for consideration for a continuing appointment

7. The Secretary-General proposes that a Secretariat staff member with five years of continuous service in an entity that applies the Staff Regulations and the Staff Rules, irrespective of the type of appointment, i.e. staff members previously appointed under the 100, 200 or 300 series or appointed since 1 July 2009 under the new Staff Rules, would be eligible for consideration for a continuing appointment. Any break in service would interrupt the continuity for counting the five years of continuing service, and the clock would have to be reset. Service on a temporary appointment would not count towards eligibility for the continuing appointment.

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[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 30* and corrigendum (A/60/30 and Corr.1), annex IV, and *Sixty-first Session, Supplement No. 30*, addendum (A/61/30/Add.1).

[2] A/63/256, A/61/537, A/59/446 and A/55/499.

8. Staff holding appointments limited to service in a particular office would not be excluded from consideration for continuing appointments. Normally, staff working in projects or entities with finite mandates would be excluded from consideration for continuing appointments due to the finite nature of their services; however, they could be considered for a continuing appointment provided there was a continuing need for the services of the staff member elsewhere in the Organization. Once a continuing appointment is granted, there would be no limitation to service in a particular office or department. The Advisory Committee on Administrative and Budgetary Questions supported this proposal in its report on human resources management (A/62/7/Add.14, para. 15).

C. Non-eligibility of Junior Professional Officers and associate experts

9. The General Assembly decided in section II, paragraph 24 of its resolution 63/250 that the period of service of Junior Professional Officers should not be taken into account as part of the requisite period of service for a continuing appointment. Accordingly, even though junior professional staff used to serve on 200 series appointments until 30 June 2009, their prior years of service as Junior Professional Officers will not count towards the attainment of the five years of continuous service required for eligibility for consideration for conversion to a continuing appointment. Similarly, their years of service as Junior Professional Officers under the new fixed-term appointment, to which they have been transitioned effective 1 July 2009, will also not count towards the five years of continuous service in the future.

10. Junior Professional Officers will continue to be considered external candidates for the purpose of the staff selection system for Secretariat vacancies, as their appointment under the Junior Professional Officer arrangement has not been reviewed by a central review body. The implementation of continuing appointments will therefore have no impact on this group of staff, which numbers 188 as at 30 June 2009.

D. Continuing need

11. The Secretary-General recalls that according to the International Civil Service Commission's contractual framework, continuing appointments are a tool to facilitate the strategic management of human resources for the attainment of the overall objectives of the organizations of the United Nations common system.[3] It would be consistent with this framework that continuing appointments be granted to staff in both the Professional and General Service categories without limitations, and that they could potentially be granted to staff in all duty stations, including missions, of the global Secretariat.

12. The Secretary-General has carefully considered the issue of continuing need, which would be one of the main criteria for the granting of a continuing appointment. This criterion is an important one in terms of the Secretariat being able to foresee a medium- to long-term continuation of any function, regardless of the

[3] Ibid., *Sixtieth Session, Supplement No. 30* (A/60/30), annex IV, para. 1.

source of funding. Whether it is in terms of posts funded from the regular budget, the peacekeeping support account or other extrabudgetary funding, it is the anticipated longevity of the programme in combination with the suitability of an individual for longer-term functions that would determine the continuing need for the services of the staff member concerned. The long-term need for a staff member's services would be reviewed with respect to:

(a) The need in the Organization for the particular functions performed by the staff member at the time of review;

(b) The need for the services of a particular staff member as it relates to his or her qualifications and past experience and training, that would demonstrate that he or she might have transferable skills with a potential to also perform long-term functions that may be different from those of the post he or she occupies at the time of review. A staff member's potential to perform a variety of functions, even across occupational groups, is an essential part of the Secretary-General's vision of establishing one global Secretariat, of which mobility and career development are integral components. In this regard the mobility requirements of the Organization, the policy on careers and the use of continuing appointments are mutually supportive strategic considerations for the Secretary-General's management of the human resources of the organization.

In the case of United Nations peacekeeping operations, continuing needs will be identified through workforce planning to project baseline staffing requirements needed for on-going functions and skills that are required in virtually all missions and are transferable among missions. This type of workforce planning was undertaken in the context of determining the composition of the proposed 2,500 civilian career peacekeepers presented in the Secretary-General's report on civilian career peacekeepers (A/61/850) and the addendum to the Secretary-General's report on investing in people (A/61/255/Add.1).

E. Financial and management implications

1. Possible establishment of a ceiling

13. The financial implications of converting fixed-term to continuing appointments are primarily linked to the financial liability of the Organization in relation to the payment of termination indemnity to holders of continuing appointments, should their appointments need to be terminated. The Secretary-General is aware that staff members holding fixed-term appointments would not represent the same liability as their contracts would expire on a given date, and they do not have any expectation, legal or otherwise, of renewal or conversion of their fixed-term appointments, as reflected in the Staff Regulations and the Staff Rules as well as in their offers and letters of appointments. This is consistent with the General Assembly's request in section II, paragraph 21 of resolution 63/250.

14. Establishing a cap or ceiling on the number of staff who would be eligible to be considered, or on who would be granted a continuing appointment could, potentially, limit the number of staff holding continuing appointments and the related financial liability to the Organization.

15. The Secretary-General, however, maintains the position that a ceiling on the number of conversions to continuing appointments would not be sound management

practice, as expressed in his report on streamlining contractual arrangements (A/63/298, para. 30). The Secretary-General considers that the imposition of a ceiling may result in excluding certain staff who are otherwise eligible for consideration for a continuing appointment on the basis of all the stated criteria. This would very likely expose the Organization to appeals in the internal justice system based on claims of arbitrariness and inequitable treatment of staff. Any ceiling placed on the number of conversions to continuing appointment might also perpetuate the perceptions of inequity among various groups of staff, which the contractual reform was originally intended to address. The introduction of a ceiling would seem to run counter to the very notion that the whole process is based on merit.

16. The Secretary-General also considers that a ceiling linked to particular posts, mandate or functions would be inconsistent with the Organization's operational requirements and mobility policy, as staff would be discouraged from applying for and accepting posts in specific projects or entities if they were to be ineligible for continuing appointments, thereby hampering mobility and undermining the capacity for effective programme delivery. In paragraph 39 of its report on human resources management (A/63/526), the Advisory Committee on Administrative and Budgetary Questions had also recommended against the establishment of a ceiling.

17. The Secretary-General is of the view that the proposed criteria for conversion to a continuing appointment (five years of continuous service, performance and continuing need) will already effectively exclude staff who do not meet the criteria of the highest standards of efficiency, competence and integrity (as a result of performance and/or disciplinary issues), do not reach five years of service (for various reasons of attrition including voluntary separation, retirement and end of project activities among others), or for whom the Organization does not envision a continuing need in the foreseeable future. These criteria would ensure that there is always a reasonable percentage of staff who remain on temporary and fixed-term appointments.

18. The staffing requirements of the global Secretariat have grown continuously over the years, which supports the Secretary-General's view that the implementation of continuing appointments without establishing a ceiling on the number of conversions would not affect negatively the financial liability of the Organization in the future. Human resources requirements of the Secretariat have consistently increased over the years and, today, cover a broad array of functions, demonstrating an evolving need for a versatile and mobile workforce.

19. The staff growth over the last 15 years underlines the continuing need for a global workforce to perform ongoing functions essential to the overall mandate of the Organization. Continuing contracts would considerably strengthen the ability of the Organization to respond to its evolving and increasingly complex operational needs, while promoting equality of treatment and providing increased job security for Secretariat staff across all duty stations and at all levels.

20. The table below shows the number of staff who would be eligible for consideration for conversion to a continuing appointment over the next five years, which would, in any case, be an inherently phased process, as noted by the Advisory Committee on Administrative and Budgetary Questions (see A/63/526, para. 39).

Number of staff eligible for continuing appointment, by year

Year	*Number of staff members*[a]
2009	692
2010	958
2011	868
2012	1 035
2013	958
Total	**4 511**

[a] Includes all Professional and related categories, and General Service and related categories not in field missions. Data on "Mission local staff" (General Service and related categories in field missions) will be made available at a later date.

21. It has been argued that the possible establishment of a ceiling on the number of continuing appointments is primarily linked to financial considerations as set out in paragraph 13 above. It could also be argued that a ceiling might contribute to increased competitiveness among staff within the Organization, in essence a means for improved on-the-job performance. The Secretary-General considers that the imposition of a ceiling would not be an effective tool for addressing performance issues, nor would it address the concern that conversion to continuing appointments should not be tantamount to automatic conversion. As for the creation of a separate mechanism for a competitive process to be used in determining suitability for continuing appointments, it would appear to be both costly and cumbersome, and would duplicate existing human resources systems.

22. The Secretary-General considers that the most appropriate tool to address staff members' performance is the performance management system, and the proposed requirement that staff members would need to have satisfactory performance appraisals in the last four reports and a clean disciplinary record over the past five years in order to be considered for a continuing appointment. With respect to competitiveness, the Secretary-General considers that the staff selection system fully ensures a highly competitive recruitment process for selection of candidates who meet the Organization's standards. The Secretary-General is therefore of the view that an arbitrary ceiling would not in any way be as effective as, or a substitute for, a highly effective and competitive recruitment system combined with a well-functioning performance evaluation mechanism.

23. Whereas the Secretary-General recognizes that a prudent approach would be required with regard to the number of conversions to continuing appointments, he considers that this would be adequately addressed through the proposed criteria for conversion as reflected in paragraph 6 above, which would, in themselves ensure that continuing appointments are not granted "automatically" and that there is always a percentage of staff that remain on temporary and fixed-term appointments.

24. Moreover, the Secretary-General considers that any advantage that might be linked to the establishment of a ceiling on the number of continuing appointments would be outweighed by its difficulties, and that a ceiling would become very burdensome from an administrative perspective. For example, if the Organization is to limit the granting of continuing appointments to a certain percentage of staff, it

would be necessary to determine from which "population" of staff the percentage should be drawn. Consideration would have to be given to, inter alia, whether a percentage should be applied to all staff members of the global Secretariat regardless of type of appointment; to staff on fixed-term appointments only; to staff serving against regular budget posts only or also to staff serving under extrabudgetary posts; whether the percentage should be linked to staff serving in specific functions and/or by departments or location; and whether staff members holding permanent appointments should be excluded. These are not hypothetical concerns; they are practical considerations, any of which could expose the Organization to possible claims by adversely affected staff.

2. Role of performance appraisal system, options for strengthening it and relationship with disciplinary measures

25. ICSC was initially of the view that the Secretary-General's proposal on continuing appointments would be tantamount to automatic conversion, and the Advisory Committee on Administrative and Budgetary Questions shared this concern.

26. The Secretary-General's proposal is that rigorous review of the performance of staff and the absence of any disciplinary measure, in addition to the criteria of continuing need, be used in deciding whether to grant a continuing appointment. A thorough review would be made of the staff member's performance, including examination of his or her official file and performance evaluations. The staff member would need to have received fully successful performance ratings for the last four years and should not have been subject to any disciplinary measure during the five years prior to the time of the review in order to satisfy the criteria of the highest standards of efficiency, competence and integrity.

27. As indicated in the Secretary-General's report on streamlining contractual arrangements (A/63/298), a staff-management intersessional working group was established in 2007 in order to develop mechanisms to strengthen the performance management system, including timely compliance by managers and staff with the performance appraisals policies and procedures. The working group is pursuing its detailed review of the current system and is scheduled to complete its report by the end of 2009. Various options were, however, discussed during the last session of the Staff-Management Coordination Committee (June 2009), including a possible 180/360 degree feedback mechanism; a new rating system; a strategy for mandatory performance management training for supervisors and managers and the introduction of special briefings and training sessions for staff and managers alike; and the strengthening of the role of the Management Review Committee and the Joint Monitoring Committee. All of these proposals are good ones and are feasible for eventual adoption and implementation.

28. While the Secretary-General will report to the General Assembly at its sixty-fifth session on the review of the current performance appraisal system as requested in section VI, paragraph 4, of resolution 63/250, the integrity of the performance appraisal ratings given to staff members under the existing performance appraisal system should be respected for the purpose of that review.

3. Rigorous and transparent procedures: central management of conversion

29. As previously indicated in the Secretary-General's report on streamlining contractual arrangements (A/63/298, para. 23), the Secretary-General proposes that all cases of staff members eligible for consideration for a continuing appointment should be reviewed by a joint review body, which would conduct a rigorous review of both the staff member's performance and the continuing need for the functions. In addition to the performance review mentioned in paragraph 26 above, the joint review body would consider whether the services and functions of the staff member are required by the Organization as a whole for the foreseeable future.

30. As previously indicated by the Secretary-General in his report on investing in people (A/61/255), and acknowledged by the General Assembly in paragraph 18 of resolution 63/250, there is a need to centrally manage the conversion to continuing appointments on a competitive and transparent basis. Following further discussions at the thirtieth session of the Staff-Management Coordination Committee, the Secretary-General proposes that the Office of Human Resources Management, on behalf of the Secretary-General, would retain overall authority to grant continuing appointments, which would be delegated to offices away from Headquarters and field missions for locally recruited staff. Accordingly, joint review bodies would be centralized for international staff while for local staff they would be established locally.

31. The Secretary-General's proposals have been further refined to include specific roles for the heads of department and the joint review bodies so that both the right of staff to due consideration and the responsibility of the Organization to ensure there is a continuing need for the functions are fully taken into account before any conversion to a continuing appointment is approved. The following internal procedures would be in place:

(a) For internationally recruited staff, as well as for staff at Headquarters in New York, the process would begin with the programme manager (in the field) or the head of department (at Headquarters) undertaking a review of eligible staff for their suitability for continuing appointments, taking into account the staff member's performance, disciplinary issues as well as his or her potential to perform continuing functions including functions other than those currently performed. For this purpose the local human resource office or the Department of Field Support in the field, or relevant executive offices at Headquarters, would provide, on a regular basis, departmental lists of staff members who would have reached the eligibility requirement for consideration for continuing appointment (i.e. five years of continuous service) to the programme managers or heads of departments;

(b) The recommendation coming out of this first review, positive or negative, would be submitted, in the field, to the local human resources office or the Department of Field Support, as appropriate, and at Headquarters to the Office of Human Resources Management. At this stage a second review would be carried out covering a review of the staff member's performance as necessary, and would also ascertain that he or she has not been subject to any disciplinary measure in the preceding five years, as well as determine whether there is a need for the staff member's services in the foreseeable future. From the field, the second review is submitted also to the Office of Human Resources Management, as the central focal point;

(c) If there is a joint recommendation (from the first and second reviews) that the staff member should be converted to a continuing appointment, the Office of Human Resources Management would send both recommendations to a joint advisory review body for review, and if all parties are in agreement, the staff member would be converted accordingly;

(d) If there is no joint positive recommendation, including cases where the programme manager/department/office concerned and the local human resources offices or the Department of Field Support Office (field) or the Office of Human Resources Management (Headquarters) both agree that the staff member should not be granted a continuing appointment, the Office of Human Resources Management would promptly inform the staff member. The staff member who would have the opportunity to review the report of the programme manager (field) or head of department (Headquarters) and that of the local human resources office or the Department of Field Support (field) or the Office of Human Resources Management (Headquarters) and submit his or her comments to the Office of Human Resources Management prior to any final decision being made;

(e) The Office of Human Resources Management would submit the case to the appropriate advisory body for review and advice. Subsequent to the review by the advisory body, the case would be submitted to the Assistant Secretary-General for Human Resources Management for a final decision on behalf of the Secretary-General. The Secretary-General would take a final decision with respect to staff members at the D-2 level and above;

(f) For purposes of upholding the central management of conversions, the Office of Human Resources Management would retain central authority for the granting of a continuing appointment, which would enable the Office to ensure that the granting or non-granting of continuing appointments is undertaken in a fair and transparent manner with full regard to due process and the rights of staff;

(g) Staff members would have the right to contest a negative decision through the internal justice system, since a decision not to grant a continuing appointment to an eligible staff member would constitute an administrative decision, which may be appealed under chapter X of the Staff Rules;

(h) In response to a concern raised by the Advisory Committee on Administrative and Budgetary Questions (see A/63/526, para. 36), the joint review bodies would consist of representatives of management and the staff. The Office of Human Resources Management would participate ex officio. The specific rules of procedure of such bodies would be drawn up but would be similar to the rules of procedure of comparable existing joint review bodies;

(i) For locally recruited staff in the field, authority to grant continuing appointments would be delegated to offices away from Headquarters and would follow a similar procedure as described above. Accordingly, joint review bodies would be established locally for reviewing such cases;

(j) The Staff-Management Coordination Committee considers that the outlined above procedures provide adequate safeguards for staff members. The Secretary-General's proposals are also fully in line with the contractual framework of the United Nations common system adopted by ICSC, which states that "appointment to a continuing contract is acquired through open and transparent

selection procedures in accordance with the organization's staff regulations and rules".[4]

32. As a central principle for the conduct of the review, it is important to underline that the persons involved directly in the review, whether at the departmental level, in the human resources offices or on the joint review bodies, must be capable of taking an organization-wide view and have enough knowledge to assess future requirements and staff potentials. The decision to grant a continuing appointment will have an impact on the organization as a whole and implies considerations which go beyond the area in which the staff member may be currently working.

4. Termination of continuing appointments with full regard to due process and rights of staff in a fair and transparent manner: potential ramifications of amendment to staff regulations 9.1

33. The joint review bodies would also review recommendations for termination of continuing appointments for (a) abolition of post or reduction of staff, (b) unsatisfactory service and (c) in the interest of the good administration of the Organization, as defined by the General Assembly in paragraph 22 of resolution 63/250, without the consent of the staff member, and reflected in the amended staff regulation 9.3 approved by the General Assembly in resolution 63/271.

34. Under the Secretary-General's proposal, a continuing appointment could be terminated for the following reasons:

(a) Abolition of post or reduction in the number of staff;

(b) Unsatisfactory performance;

(c) Health reasons;

(d) Disciplinary reasons;

(e) Facts anterior to the appointment of the staff member coming to light after recruitment, which, under the standards established by the Charter, would have precluded his or her appointment;

(f) In the interest of the Organization, if the staff member is in agreement;

(g) In the interest of the good administration of the Organization, without the staff member's agreement, pursuant to staff rule 9.6 (d).

35. The Secretary-General fully recognizes his obligation to protect staff members against arbitrary termination in this context, and proposes procedures with checks and balances in cases of termination of continuing appointments. In this respect, further to discussions held during the last four sessions of the Staff-Management Coordination Committee, and as recommended by the Advisory Committee on Administrative and Budgetary Questions (see A/62/7/Add.14, para. 23), the Secretary-General has developed the following internal procedures.

36. The programme manager would need to submit a detailed, reasoned and documented recommendation with supporting evidence in all cases pertaining to termination of a staff member, for a decision by the Assistant Secretary-General for Human Resources Management. At the same time, the programme manager would

[4] Ibid., para. 10.

discuss his or her recommendation with the staff member and provide him or her with a copy of the written submission.

37. The staff member concerned would be given the opportunity to review the recommendation for termination together with all relevant supporting documentation, and would be able to provide his or her comments before a final decision was made.

38. The Office of Human Resources Management would review the programme manager's recommendation along with the staff member's comments. Upon due consideration of all facts as presented by the parties concerned, it would decide to recommend (a) that the recommendation be approved; (b) that the case be returned for further review and/or additional information; or (c) that the recommendation not be approved.

39. The Office of Human Resources Management would submit its recommendation to the joint review bodies for review along with the programme manager's recommendation and the staff member's comments.

40. The Assistant Secretary-General for Human Resources Management, on behalf of the Secretary-General, would take a final decision taking into account the advice from the joint review bodies. The Secretary-General would take a final decision with respect to staff members at the D-2 level and above.

41. A decision to terminate a continuing appointment would constitute an administrative decision, which the staff member could appeal under chapter X of the Staff Rules.

5. Implications for the system of geographical ranges

42. With respect to possible implications of the implementation of continuing appointments for the system of geographical ranges, the Secretary-General clarified during the sixty-third session that the appointment status of a staff member and his or her type and duration of appointment are not linked. In other words, a staff member may currently be granted geographical appointment status while being appointed under a fixed-term or probationary/permanent appointment. A staff member may receive geographical appointment status only if he or she applies, and is competitively selected through standard recruitment procedures, for a regular budget post in the professional and higher categories that is subject to the system of desirable ranges established by the General Assembly in resolution 42/220 A of 21 December 1987. The base figure of the number of posts subject to geographical distribution was set on 1 January 1988 at 2,700. The figure is adjusted when the actual number of regular budget posts subject to geographical distribution increases or decreases by 100. This year, the base figure has been set at 3,300 as at 30 June 2009 (owing to the change in the number of regular budget posts in the Professional and higher categories subject to the system of desirable ranges, which stands now at 3,339 as of 30 June 2009). The staff member will maintain that status throughout his or her career, even if he or she subsequently is assigned to a non-geographical post.

43. The introduction of continuing appointments would therefore have no impact on the system of desirable ranges. For example, a staff member may be competitively recruited against a "non-geographical post". The staff member would be recruited under a fixed-term appointment. Subject to the staff member's completion of five years of continuous service and the satisfaction of the other

criteria for consideration for conversion to a continuing appointment, the staff member could receive a continuing appointment, but would maintain his or her "non-geographical appointment" status until he or she applies to and is competitively selected for a post designated as a "geographical post". It should be noted that the regular mobility and turnover of staff will continue to provide opportunities for recruitment of new staff to both bring new talent to the Organization and improve geographical and gender balance.

6. Options for ensuring candidates from competitive examinations not disadvantaged by proposed changes

44. In section II, paragraph 23 of resolution 63/250, the General Assembly reaffirmed that, while continuing appointments were not implemented, successful candidates from competitive examinations, including language staff, would continue to be granted open-ended appointments after two years of probationary service in accordance with the current practice.

45. Under the current practice, successful candidates from the national competitive examinations and language examinations are granted permanent appointments after two years of probationary service. Under the new contractual framework, these candidates will receive continuing appointments after two years on fixed-term appointments. This has been reflected in the provisional new staff rule 4.14 (b), which stipulates that "staff members recruited upon successful completion of a competitive examination pursuant to staff rule 4.16 shall be granted a continuing appointment after two years on fixed-term appointment, subject to satisfactory service" (see ST/SGB/2009/7).

46. Consequently, successful candidates from the national competitive examinations and language examinations will not be disadvantaged by the proposed implementation of continuing appointments. Successful candidates from the national competitive examinations and language examinations recruited on or before 30 June 2009 will be eligible for a permanent appointment. Successful candidates from the national competitive examinations and language examinations recruited on or after 1 July 2009 will be eligible for a continuing appointment.

IV. One-time review of staff eligible for consideration for conversion to permanent appointment as at 30 June 2009

47. In paragraph 12 of its resolution 63/271, the General Assembly requested the Secretary-General to report to it at its sixty-fourth session on the implications of converting all currently eligible staff to permanent appointments, including the financial impact and the effects on workforce management.

48. In order to protect the acquired rights of such staff members, the Secretary-General had proposed that when the staff rules were amended to replace permanent appointments with continuing appointments, a one-time review would be conducted of all fixed-term staff appointed under the previous 100 series of the Staff Rules who met the conditions of the old rule 104.12 (b) (iii). The Office of Legal Affairs confirmed that such a review would be necessary to observe the rights of those staff.

Conduct of the one-time review

49. Further to the General Assembly's approval of the contractual reform, the Secretary-General decided to proceed with the one-time review in order to resolve this long-standing question. A Secretary-General's bulletin was issued to that effect, setting forth the eligibility criteria for consideration and granting of the permanent appointment, and the procedures to be followed (ST/SGB/2009/10). Detailed guidelines have been developed and will be issued for departments and offices away from headquarters to ensure consistency in the process Secretariat-wide.

Impact of the one-time review

50. The Secretary-General has considered how the one-time review would respond to the request of the General Assembly in section II, paragraph 15 of resolution 63/250 to make efforts to achieve the level of 70 per cent of permanent appointments in posts subject to geographical distribution. The ceiling of 70 per cent, which is computed on the basis of the number of posts subject to geographical distribution, stands at 3,339 as of 30 June 2009. As of 30 June 2009, 1,433 staff members with geographical appointment status held a permanent appointment, representing 42.9 per cent of staff members in posts subject to geographical distribution.

51. Taking into account the number of staff members with geographical appointment status holding a 100-series fixed-term appointment who had completed five years of continuing service by 30 June 2009 and who were less than 53 years old when they reached five years of continuous service, the numbers of staff members with geographical appointment status holding a permanent appointment who retired on 30 June 2009 and the number of staff members with geographical appointment status holding a probationary appointment who completed two years of service as of 30 June 2009, it is estimated that the maximum number of staff members with geographical appointment status who could have a permanent appointment, based on their eligibility as of 30 June 2009, would be 2,169, or a maximum 65.0 per cent, therefore not reaching the 70 per cent ceiling.

52. The Secretary-General considers that the one-time review will not have any financial impact or effect on workforce management. The temporary increase in the number of staff members holding permanent appointments as a result of the one-time review will in effect be balanced by the increasing number of staff members holding permanent appointments who separate every year from the Organization (including voluntary separation, retirement and other reasons). It is estimated that the maximum number of staff members who could hold permanent appointments, irrespective of their appointment status, would be 10,634, representing less than 28.0 per cent of the overall staff population as at 30 June 2009. This number will progressively and continuously decrease to zero as permanent appointments are no longer granted under the new contractual framework.

V. Conclusion

53. The General Assembly also has before it a separate report (A/64/230) on the new provisional Staff Rules, which the Secretary-General issued on 1 July 2009 in accordance with staff regulation 12.2. Should the General Assembly approve the Secretary-General's proposals for the implementation of the continuing

appointment, the relevant rules (staff rules 4.14 and 4.16) would be amended to reflect any decision taken by the General Assembly during the main part of its sixty-fourth session on this issue, and the Staff Rules would be provisionally promulgated on 1 January 2010 to allow implementation of continuing appointments by that date.

54. The Secretary-General would report to the General Assembly on the above-mentioned amendments to the Staff Rules at the main part of its sixty-fifth session and the amended new Staff Rules would enter into full force effective 1 January 2011 in accordance with staff regulation 12.4.

55. **The General Assembly is requested to approve the implementation of continuing appointments as of 1 January 2010 under the conditions specified in the present report.**